

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as

amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Ohio.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, Defendant R&L Carriers, Inc. has continuously been an Ohio corporation and continuously has done business in the State of Ohio and has had at least fifteen (15) employees.

5. At all relevant times, Defendant R&L Carriers Shared Services, LLC has continuously been a domestic limited liability company and continuously has done business in the State of Ohio and has had at least fifteen (15) employees.

6. At all relevant times, Defendants have been employers engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e (b), (g), and (h).

ADMINISTRATIVE PROCEDURES

7. More than thirty (30) days prior to the institution of this lawsuit, an EEOC Commissioner's Charge was filed alleging violations of Title VII.

8. On November 8, 2016, the Commission issued to Defendants an Amended Letter of Determination finding reasonable cause to believe that Title VII was violated and inviting Defendants to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

9. The Commission engaged in communications with Defendants to provide the opportunity to remedy the discriminatory practices described in the Amended Letter of Determination referenced above in Paragraph 8.

10. The Commission was unable to secure from Defendants a conciliation agreement that was acceptable to the Commission.

11. The Commission issued to Defendants a Notice of Failure of Conciliation advising Defendants that the Commission was unable to secure from Defendants a conciliation agreement acceptable to the Commission.

12. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

13. Since at least January 1, 2010, Defendants have engaged in unlawful employment practices at their Wilmington, Ohio, location in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000(e)-2(a). These practices include, but are not limited to, refusing to hire women as dockworkers or loaders.

14. The effect of the practices complained of in paragraph 13 above has been to deprive female applicants and deterred female applicants of equal employment opportunities and otherwise adversely affect their status as applicants and employees because of sex.

15. The unlawful employment practices complained of in paragraph 13 above were and are intentional.

16. The unlawful employment practices complained of in paragraph 13 above were done with malice or reckless indifference to the federally protected rights of the class of female applicants and deterred female applicants.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from engaging in employment practices that discriminate on the basis of sex, to include, but not limited to, failing to recruit and hire females as dockworkers and loaders.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for female applicants and that eradicate the effects of Defendants' past and present unlawful employment practices.

C. Order Defendants to make whole the class of female applicants and deterred female applicants by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other

affirmative relief necessary to eradicate the effects of Defendants' unlawful employment practices, including but not limited to the recruitment and hiring of female dockworkers and loaders.

D. Order Defendants to make whole the class of female applicants and deterred female applicants by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 13 above in amounts to be determined at trial.

E. Order Defendants to make whole the class of female applicants and deterred female applicants by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 13 above, including but not limited to, emotional pain, suffering, humiliation, and inconvenience, in amounts to be determined at trial.

F. Order Defendants to make whole the class of female applicants and deterred female applicants by providing punitive damages for Defendants' malicious and reckless conduct, as described in paragraph 13 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

s/ Kenneth L. Bird

Kenneth L. Bird
Regional Attorney
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Indianapolis District Office
101 W. Ohio St., Suite 1900
Indianapolis, IN 46204-4203

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Indianapolis District Office

s/ Kenneth W. Brown

Kenneth W. Brown
Senior Trial Attorney
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Louisville Area Office
600 Dr. Martin Luther King Jr. Place
Suite 268
Louisville, KY 40202
Phone: 502-582-5440
Fax: 502-582-5437
email: Kenneth.Brown@eeoc.gov